

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

UNITED STATES OF AMERICA

v.

JOSHUA HERMAN PHILLIPS

DOCKET NO. 5:24-cr-27-KDB

FACTUAL BASIS

NOW COMES the United States of America, by and through Dena J. King, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

From in or about July 2024 through August 2024, in Catawba County, within the Western District of North Carolina, **JOSHUA HERMAN PHILLIPS**, did ship, transport, transfer, cause to be transported, or otherwise dispose of one or more of the following firearms:

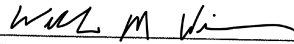
1. Ruger, model LCP, .380 caliber pistol,
2. Glock, Model 19, 9mm, BUBL 154 pistol,
3. Sarsilmaz, SAR9, 9mm, T1102-21BV86132 pistol,
4. Canik, 55, 9mm, 13E01792 pistol,

5. Glock, Model 33, .357 Sig, LAU741 pistol,
6. Palmetto State Armory, Dagger, 9mm JJE54169 pistol,
7. Palmetto State Armory, PA-15, 5.56, SCD181304 pistol,
8. Radical Firearms, RF-15, 5.56, 23-029744 rifle,
9. Sig Sauer, M400, 5.56, 20L166757 rifle,
10. Norinco, SKS, 7.62, 3200578 rifle,
11. Smith and Wesson, Model 642, 38 caliber revolver,
12. CV, Scorpion EVO, 9mm, rifle,
13. Privately Made Firearm, 9mm, AR Style Lower Receiver,
14. Springfield Armory, XDM Elite, 9mm pistol,
15. Keltec, PMR-30, 22 Magnum, pistol,
16. Polymer 80, 9mm pistol,
17. Taurus, Model 66, 357 revolver,
18. Springfield Armory, Hellcat, 9mm pistol,
19. Smith and Wesson, M&P FPC, 9mm, rifle,
20. Glock, Model 45, 9mm pistol,
21. Anderson, AM-15, 5.56, rifle,
22. Anderson, AM-15, 5.56, rifle,
23. Anderson, AM-15, 5.56, rifle,

to another person, in or otherwise affecting interstate or foreign commerce, knowing or having reasonable cause to believe that the use, carrying, or possession of one or more of the firearms by the recipient would constitute a felony.

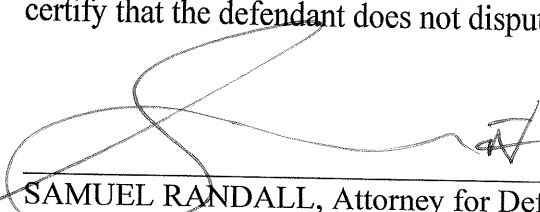
Specifically, on three separate occasions during that time period, **PHILLIPS** met with an undercover agent and sold the undercover agent firearms and ammunition after being told by the undercover agent that these firearms would be traveling across state lines to be illegally sold and distributed. **PHILLIPS** did not have a Federal Firearms License that would allow him to sell firearms.

DENA J. KING
UNITED STATES ATTORNEY


WILL WISEMAN
SPECIAL ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Indictment, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Indictment, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis.



SAMUEL RANDALL, Attorney for Defendant

DATED: 1/17/2025